UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,899	09/12/2003	Matthew Ruhlen	MS301841.1/60001.260US01	6970

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EXAMINER
SOMMERFELD, PAUL J

ART UNIT	PAPER NUMBER
2168	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/660,899	RUHLEN, MATTHEW
	Examiner	Art Unit	
	Paul J. Sommerfeld	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-42* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-42 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 29 recites "a computer readable medium", which is defined on page 10 of the specification of the invention as including communication media, including "wireless media such as acoustic, RF, infrared and other wireless media". These wireless media operate by means of a carrier wave. For example, RF media operate by means of radio or electromagnetic waves. Because carrier waves, being a form of electromagnetic energy, do not fall into one of the statutory categories of 35 U.S.C. 101, the claim includes non-statutory subject matter. A detailed explanation describing why carrier waves are regarded as non-statutory subject matter under 35 U.S.C. 101 follows:

Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

First, a claimed signal is clearly not a "process" under § 101 because it is not a series of steps. The other three § 101 classes of machine, compositions of matter and manufactures "relate to structural entities and can be grouped as 'product' claims in order to contrast them with process claims." 1 D. Chisum, Patents § 1.02 (1994). The three product classes have traditionally required physical structure or material.

"The term machine includes every mechanical device or combination of mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result." Corning v. Burden, 56 U.S. (15 How.) 252, 267 (1854). A modern definition of machine would no doubt include electronic devices which perform functions. Indeed, devices such as flip-flops and computers are referred to in computer science as sequential machines. A claimed signal has no physical structure, does not itself perform any useful, concrete and tangible result and, thus, does not fit within the definition of a machine.

A "composition of matter" "covers all compositions of two or more substances and includes all composite articles, whether they be results of chemical union, or of mechanical mixture, or whether they be gases, fluids, powders or solids." Shell Development Co. v. Watson, 149 F. Supp. 279, 280, 113 USPQ 265, 266 (D.D.C. 1957), aff'd, 252 F.2d 861, 116 USPQ 428 (D.C. Cir. 1958). A claimed signal is not matter, but a form of energy, and therefore is not a composition of matter.

The Supreme Court has read the term "manufacture" in accordance with its dictionary definition to mean "the production of articles for use from raw or prepared materials by giving to these materials new forms, qualities, properties, or combinations, whether by hand-labor or by machinery." Diamond v. Chakrabarty, 447 U.S. 303, 308, 206 USPQ 193, 196-97 (1980) (quoting American Fruit Growers, Inc. v. Brogdex Co., 283 U.S. 1, 11, 8 USPQ 131, 133 (1931), which, in turn, quotes the Century Dictionary). Other courts have applied similar definitions. See American Disappearing Bed Co. v. Arnaelsteen, 182 F. 324, 325 (9th Cir. 1910), cert. denied, 220 U.S. 622 (1911). These definitions require physical substance, which a claimed signal does not have. Congress can be presumed to be aware of an administrative or judicial interpretation of a statute and to adopt that interpretation when it re-enacts a statute without change. Lorillard v. Pons, 434 U.S. 575, 580 (1978). Thus, Congress must be presumed to have been aware of the interpretation of manufacture in American Fruit Growers when it passed the 1952 Patent Act.

A manufacture is also defined as the residual class of product. 1 Chisum, § 1.02[3] (citing W. Robinson, The Law of Patents for Useful Inventions 270 (1890)).

A product is a tangible physical article or object, some form of matter, which a signal is not. That the other two product classes, machine and composition of matter, require physical matter is evidence that a manufacture was also intended to require physical matter. A signal, a form of energy, does not fall within either of the two definitions of manufacture. Thus, a signal does not fall within one of the four statutory classes of § 101.

Claims 30-42 are rejected as being dependent on rejected claim 29.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   Claims 1-7, 9, 12, and 15, and 29 are rejected under 35 U.S.C. 102(e) as being

anticipated by <u>Fuisz et al</u> (U.S. Patent Number 7,039,722 B1).

As to claim 1, <u>Fuisz et al</u> teaches a method of redirecting a request URL (see

Abstract) comprising:

receiving the request Uniform Resource Locator (URL) comprising data related to

a patterned URL and data related to a destination URL (col. 3 lines 10-12, inputting a

URL ("ww2.affinitypartners.com") comprising data related to a patterned URL ("ww2")

and data related to a destination URL ("affinitypartners.com"). The "ww2" portion

relates to a patterned URL because the translation formula, which determines the

output URL pattern, used to translate the input URL is based on this "layer identifier"

portion. The "affinitypartners.com" portion relates to a destination URL, because this

portion is copied into the output URL.);

determining the patterned URL based on the data related to the patterned URL

from the request URL (col. 3 lines 24-26, where a translation formula describing a URL

pattern is determined based on the layer identifier of the input URL); and

generating a destination URL based on one or more of the patterned URL, the

data related to the destination URL from the request URL, and redirector configuration

information (col. 3 lines 26-30, using the translation formula to translate the input Web

address into a valid Web address).

As to claims 2, 16, and 30, Fuisz et al teaches generating a destination URL

comprises:

parsing the patterned URL (col. 3 lines 45-47, "affinitypartners" is parsed from

"ww2.affinitypartners.com" so that "affinitypartners" can be copied into the output URL);

determining whether a character from the patterned URL indicates a pattern (col.

3 lines 45-47, the characters "ww2" in the input URL indicate that the pattern of the URL

is that of a translated URL);

responsive to the character from the patterned URL indicating a pattern,

interpreting the pattern based on a data source type and a format specifier (col. 3 lines

36-47, "ww2" indicates that the data type of the URL is a translated URL. The

translation formula is a format specifier, since it determines the format of the output

URL. The input URL is interpreted by the translation formula, thereby forming the

output URL.), and

responsive to the character from the patterned URL not indicating a pattern,

copying the character from the patterned URL to the destination URL (col. 3 lines 38-41,

the string N is copied into the output URL).

As to claims 3, 17, and 31 <u>Fuisz et al</u> teaches interpreting the pattern based on

the format specifier comprises responsive to the format specifier indicating a name of a

service, looking up an Hyper-Text Transfer Protocol (HTTP) address for the service and

placing the address into the destination URL (col. 3 lines 45-47, the service name

"affinitypartners" in the input web address is placed in the output web address).

As to claims 4, 18, and 32 <u>Fuisz et al</u> teaches interpreting the pattern based on

the format specifier comprises responsive to the format specifier indicating string data,

copying the string data into the destination URL (col. 3 lines 36-41 and 45-47, showing

the string data "123456789" is copied into the output URL

"www.affinitypartners123456789.com").

As to claims 5, 19, and 33 <u>Fuisz et al</u> teaches interpreting the pattern based on

the format specifier comprises responsive to the format specifier indicating a language,

rewriting the language as a corresponding culture and adding the culture to the

destination URL (col. 8 lines 11-14, indicating a format specifier indicating a language,

for example, "wwwspanish", and defining addresses that correspond to different

languages).

As to claims 6, 20, and 34 <u>Fuisz et al</u> teaches intepreting the pattern based on

the format specifier comprises responsive to the format specifier indicating a language,

rewriting the language as a corresponding culture and adding the culture to the

destination URL if the language indicates other than English (col. 8 lines 11-14,

indicating a format specifier indicating a language, for example, "wwwspanish", and

defining addresses that correspond to different languages).

As to claim 7, 21, and 35, <u>Fuisz et al</u> teaches interpreting the pattern based on

the format specifier comprises responsive to the format specifier indicating a language,

copying the language to the destination URL if the language indicates other than

English (col. 8 lines 11-14, indicating a format specifier indicating a language, for

example, "wwwspanish", and defining addresses that correspond to different

languages).

As to claims 9, 23, and 37, <u>Fuisz et al</u> teaches interpreting the pattern based on

the format specifier comprises responsive to the format specifier indicating a special

string copy, copying a following string to the destination URL only if a previous portion of

the patterned URL caused data to be written to the destination URL (col. 3 lines 38-47,

the special string N, is copied into the output URL).

As to claims 12, 26, and 40, <u>Fuisz et al</u> teaches interpreting the pattern based on

the data source type comprises responsive to the data source type indicating that data

is located in a data source identifier of the patterned URL, copying the data source

identifier from the patterned URL to the destination URL (col. 3 lines 45-47, the data

source identifier "affinitypartners" is copied from the patterned URL

"ww2.affinitypartners.com" to the destination URL

"www.affinitypartners123456789.com").

As to claim 15, <u>Fuisz et al</u> teaches a system comprising:

a processor (col. 3 line 66 through col. 4 line 2, item 6 in Figure 2, it is inherent

that a PC includes a processor); and

a memory coupled with and readable by the processor and having stored therein

instructions (col. 3 line 66 through col. 4 line 2, item 6 in Figure 2, a memory that stores

instructions and is coupled to a processor storing is taught inherently, since the

invention is implemented on a hardware and software configuration).

For the remainder of the claim, the Applicant is referred to the remarks and

discussion made with regards to the rejection of claim 1 above.

As to claim 29, <u>Fuisz et al</u> teaches a computer-readable medium encoding a

computer program of instructions for executing a computer process for redirecting a

request URL (col. 3 line 66 through col. 4 line 2, item 6 in Figure 2, the invention is

implemented on a software configuration).

For the remainder of the claim, the Applicant is referred to the remarks and

discussion made with regards to the rejection of claim 1 above.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 8, 22, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fuisz et al (U.S. Patent Number 7,039,722 B1), and further in view of Durst, Jr. et

al (U.S. Patent 6,542,933 B1).

As to claims 8, 22, and 36, Fuisz et al does not explicitly teach interpreting the

pattern based on the format specifier comprises responsive to the format specifier

indicating a culture, translating the culture to a Language Culture IDentifier (LCID) and

placing the LCID into the destination URL.

Durst, Jr. et al teaches interpreting the pattern based on the format specifier

comprises responsive to the format specifier indicating a culture, translating the culture

to a Language Culture IDentifier (LCID) and placing the LCID into the destination URL

(col. 15 lines 12 and 15-18, translating information pertaining to a language into an

identifying code, and inserting the code into the URL).

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have modified the method of redirecting a URL taught by Fuisz et al by the method of translating information pertaining to a language into an identifying code and inserting the code into the URL taught by Durst, Jr. et al, because translating information pertaining to a language into an identifying code and inserting the code into the URL both obscures the fields in the URL and shortens the URL (Durst, Jr. et al col. 15 lines 18-20).

6.   Claims 10, 11, 13, 14, 24, 25, 27, 28, 38, 39, and 41, 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuisz et al (U.S. Patent Number 7,039,722 B1), and further in view of Bahrs et al (U.S. Publication 2004/0205557 A1).

As to claims 10, 24, and 38, Fuisz et al does not explicitly teach interpreting the pattern based on the data source type comprises responsive to the data source type indicating that data is located in a path portion of the request URL, copying a path part from the request URL to the destination.

Bahrs et al teaches interpreting the pattern based on the data source type comprises responsive to the data source type indicating that data is located in a path portion of the request URL, copying a path part from the request URL to the destination (lines 6-12 of paragraph [0047], encountering a URL containing path information, lines 1-2 and 5-8 of paragraph [0051], copying the path part of the URL into an output URL).

Therefore, it would have been obvious to one skilled in the art at the time the

invention was made to have modified the method of redirecting a URL taught by <u>Fuisz</u>

<u>et al</u> by the method of copying the path part of a URL into an output URL taught by

<u>Bahrs et al</u>, because generating a URL by copying path data from a request URL to a

destination URL avoids the use of high-maintenance hard-coded links (<u>Bahrs et al</u>

paragraph [0007]).

As to claims 11, 25, and 39, <u>Fuisz et al</u>, as modified, teaches interpreting the

pattern based on the data source type comprises responsive to the data source type

indicating that data is located in a query string of the request URL, copying data from

the query string of the request URL to the destination URL (<u>Bahrs et al</u> lines 6-12 of

paragraph [0047], encountering a URL containing path information, lines 2-8 of

paragraph [0051], copying the query parameters of the URL into an output URL).

As to claims 13, 27, and 41, <u>Fuisz et al</u>, as modified, teaches the path portion is

identified by a data source identifier in the pattern (<u>Bahrs et al</u> lines 1-2 of paragraph

[0050], where "/" identifies the path portion).

As to claims 14, 28, and 42, <u>Fuisz et al</u>, as modified, teaches the query string is

identified by a data source identifier in the pattern (<u>Bahrs et al</u> lines 2-4 of paragraph

[0051], where "/" identifies the query string).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- U.S. Patent Number 6,654,741 B1, issued to Cohen et al, for teaching a method

  of mapping an input URL to an output URL.

- U.S. Publication 2004/0158617 A1, issued to Shanny et al, for teaching a method

  redirecting a browser to a destination URL.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul J. Sommerfeld whose telephone number is 571

272-6545. The examiner can normally be reached on M-F 7:45 am - 4:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tim T. Vo can be reached on 571 272-3642. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

**TIM VO
PRIMARY EXAMINER**